

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION	) ) ) ) )	MDL NO. 1456 Civil Action No. 01-12257-PBS Subcategory No. 03-10643-PBS
THIS DOCUMENT RELATES TO:  <i>The City of New York, et al. v. Abbott Laboratories, Inc., et al.</i>	) ) ) ) ) )	Judge Patti B. Saris

**NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE OF  
PLAINTIFFS' CLAIMS AGAINST DEFENDANT ELI LILLY AND COMPANY**

IT IS HEREBY STIPULATED AND AGREED, by and between plaintiffs, the Consolidated New York Counties, and defendant Eli Lilly and Company (hereinafter the "Settling Defendant"), by and through their respective attorneys, pursuant to Fed. R. Civ. P. 41 and the terms of the Settlement Agreement between the Consolidated New York Counties and the Settling Defendant, that all claims in this action against the Settling Defendant are dismissed with prejudice and without costs to any party.

Dated: December 02, 2011

Respectfully submitted,

By: /s/ Joanne M. Cicala  
Joanne M. Cicala  
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*On Behalf of Plaintiffs the Consolidated New York  
Counties*

By: /s/ William A. Davis

William A. Davis  
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*On Behalf of Eli Lilly and Company*

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 02, 2011, I caused a true and correct copy of the foregoing, Notice of Voluntary Dismissal With Prejudice of Plaintiffs' Claims Against Defendant Eli Lilly and Company, to be served on counsel of record for each party through the Court's Electronic Case Filing System and via LexisNexis File & Serve.

/s/ James Carroll  
KIRBY McINERNEY LLP